



# Indiana Department of Education

151 West Ohio Street  
Indianapolis, Indiana 46204

## MEMORANDUM

**TO:** State Board of Education

**FROM:** Jeff Zaring, State Board Administrator

**DATE:** September 29, 2010

**SUBJECT:** LSA Document #10-500, Readoption of Rules Scheduled to Expire January 1, 2011

Thirty days have passed since we filed the Notice of Intent to Readopt these rules. No comments were filed; therefore, the Board may now readopt the rules.

The Department of Education has confirmed its previous analysis and recommends that the State Board of Education adopt LSA Document #10-500.

Attachments: LSA Document #10-500  
Analysis of Rules Recommended for Readoption

# **TITLE 511 INDIANA STATE BOARD OF EDUCATION**

## **Readopted Final Rule**

LSA Document #10-500(F)

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

511 IAC 1-9-2; 511 IAC 6-7-1; 511 IAC 6-7-6.5; 511 IAC 6.1-5.1-1; 511 IAC 6.1-5.1-2; 511 IAC 6.1-5.1-3; 511 IAC 6.1-5.1-4; 511 IAC 6.1-5.1-5; 511 IAC 6.1-5.1-6; 511 IAC 6.1-5.1-7; 511 IAC 6.1-5.1-8; 511 IAC 6.1-5.1-9; 511 IAC 6.1-5.1-10.1; 511 IAC 6.1-5.1-11; 511 IAC 8-2-1; 511 IAC 8-2-2; 511 IAC 8-2-3; 511 IAC 8-2-4; 511 IAC 8-2-5; 511 IAC 8-2-6; 511 IAC 8-2-7; 511 IAC 8-2-8.

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

511 IAC 1-9-2  
511 IAC 6-7-1  
511 IAC 6-7-6.5

Eligibility for funding  
Definitions  
Academic honors diploma; additional course requirements  
Approved high school courses  
General criteria

511 IAC 6.1-5.1  
511 IAC 8-2



# Indiana Department of Education

151 West Ohio Street  
Indianapolis, Indiana 46204

## MEMORANDUM

**TO:** State Board of Education

**FROM:** Jeff Zaring, State Board Administrator

**DATE:** July 28, 2010

**SUBJECT:** Readoption of Rules Scheduled to Expire January 1, 2011

Several rules are scheduled to expire January 1, 2011, unless the rules are readopted. The Board may not amend rules as a part of this readoption process. It must readopt the rules as they are or allow them to expire.

The decision for this meeting is whether publish notice to initiate a readoption process. The Board is not required to readopt rules that begin the readoption process. The Board is prohibited from readopting rules that do not appear in the notice.

Here are the rules scheduled to expire, along with the department's recommendation:

**511 IAC 1-9 Alternative Education Grant Funding** – This rule only applies to school corporations that receive the state alternative education grant.

- Section 1 requires that students in alternative programs funded by the state grant must complete all graduation requirements. Since graduation requirements are controlled by statutes and other rules, this rule is redundant. The Department recommends that the State Board allow it to expire.
- Section 2 requires a minimum of two hours for a funded program. Since travel time often is required, this seems a reasonable requirement. A shorter program could unduly disrupt a student's school day and would not be a good use of state resources. Subject to a final determination, the Department recommends that the State Board include this section in the notice of readoption.
- Section 3 requires that instruction will be provided by teachers employed by the school corporation (or cooperative). This prohibits school corporations (or cooperatives) from entering into agreements with educational management organizations and seems unduly restrictive. The Department recommends that the State Board allow it to expire.

**511 IAC 6-7-1 Definitions for Graduation Requirements Rule** – Since this rule applies to students who entered high school prior to the 2006-2007 school year, regardless of when they graduate, it appears to be needed. Subject to a final determination, the Department recommends that the State Board include this section in the notice of readoption.

**511 IAC 6-7-6.5 Requirements for Academic Honors Diploma** – Since this rule applies to students who entered high school prior to the 2006-2007 school year, regardless of when they graduate, it appears to be needed. Subject to a final determination, the Department recommends that the State Board include this section in the notice of readoption.

**511 IAC 6.1-5.1 Approved High School Courses** – The Board is in the process of amending its rules to eliminate the requirement for approved courses to appear in a rule. Not only will this cut down on the number of rules, it will allow the Board more flexibility as new courses need to be added and obsolete courses need to be eliminated. In the meantime, however, the rule is needed. Subject to a final determination, the Department recommends that the State Board include this section in the notice of readoption.

**511 IAC 6.2-2.5 Graduation Rate Determination** – The graduation rate formula is included in statute. This rule actually contradicts the statute since it is based on old law. The Department recommends that the State Board allow it to expire.

**511 IAC 8-2 Vocational Education General Criteria** – The State Board is required to have such a rule. During the next several months the Board will receive information about changes in the process for determining courses and programs that qualify for funding. In the meantime, however, the rule is needed. Subject to a final determination, the Department recommends that the State Board include this section in the notice of readoption.